



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application no. : 09/992,941 Confirmation No.9187  
Applicant : Ira Jeffrey Bush  
Title : ALL FIBER AUTOCORRELATOR  
Filed : November 5, 2001  
Art Unit : 2877  
Examiner : SAMUEL A. TURNER

Docket no. : OPTI-0008  
Customer no. : 24507  
Confirmation No. : 9187

Date: November 7, 2003

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Declaration under 37 CFR §1.131**

I, Ira Jeffrey Bush, of Los Angeles, California, hereby declare that:

1. The document entitled "All-Fiber Optic Coherence Domain Interferometric Techniques," published approximately March 2001 as a Conference Record of the SPIE Photonic East 2000, Boston, MA, first presented November 7, 2000, was authored by Ira Jeffrey ("Jeff") Bush and Joseph Grau ("Pepe") Davis, both of Optiphase, Inc., and Michael A. Marcus of the Eastman Kodak Company.


2. The contributions to the authored work by Pepe Davis and Michael A. Marcus were supportive of the methods taught exclusive of the subject patent application, test procedures, testing, and results related to the present application. The contributions of Messrs. Davis and Marcus not inventive in that their roles were both limited to prototype test support of the instant application. In particular, in the above-cited document, Mr. Davis provided design, development and test support leading to the information presented in subject matter in sections 1 and 2 supported by figures 1,6, 7, 8, 9, 10 and 11, which are independent of the

subject application covered in sections 3.1 and 3.2, figures 13, 14, 15, and 16. Mr. Marcus provided test support contributing to section 3.2 and figure 17.

3. The manuscript, as an extended abstract, describing these prototypical embodiments was drafted during the month of November 2000, which in turn published as the above-cited document in approximately March 2001.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed this seventh day of November 2003.



Ira Jeffrey Bush



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**Declaration Under 37 CFR §1.132**

I, Ira Jeffrey Bush, of Los Angeles, California, hereby declare that:

1. The test support, provided by Joseph Grau ("Pepe") Davis of Optiphase, Inc., and Michael A Marcus of the Eastman Kodak Company, was done under nondisclosure agreements wherein, as employees of their respective organizations, they were contractually bound to keep in confidence the trade secret invention of Ira Jeffrey Bush and the employer of Mr. Bush Optiphase, Incorporated.

2. The document entitled "All-Fiber Optic Coherence Domain Interferometric Techniques," published approximately March 2000 as a Conference Record of the SPIE Photonic East 2000, Boston, MA, presented November, 7, 2000, was authored by Ira Jeffrey ("Jeff") Bush and Pepe Davis, both of Optiphase, Inc., and Michael A. Marcus of the Eastman Kodak Company.

3. The contributions to the authored work by Pepe Davis and Michael A. Marcus were supportive of the test, test procedures and results and not inventive in that their roles were

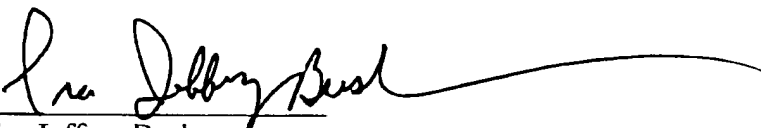
both limited to prototype test support. In particular, in the above-cited document, Mr. Davis provided design, development and test support leading to the information presented in subject matter in sections 1 and 2 supported by figures 1, 6, 7, 8, 9, 10 and 11, which are independent, otherwise exclusive of, the subject application covered in sections 3.1 and 3.2, figures 13, 14, 15, and 16. Mr. Marcus provided test support contributing to section 3.2 and figure 17 of the instant invention of Jeff Bush.

4. Messrs. Davis and Marcus are not inventors in this case and the only inventor is the Applicant, Mr. Bush. Only Mr. Bush, to the exclusion of Messrs. Davis and Marcus, contributed the novel and unobvious matter that is the matter described in the specification of the instant application and the related material matter of the above-cited document.

5. This document was a joint publication by Messrs. Davis and Marcus of the test support of Messrs. Davis and Marcus and by Mr. Bush of the overviews of some prototypical embodiments of the instant invention of Mr. Bush.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC §1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Executed this seventh day of November 2003.

  
Ira Jeffrey Bush